

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

BRIAN K. PARSONS,)	CASE NO. 1: 09 CV 102
)	
Plaintiff,)	JUDGE DONALD C. NUGENT
)	
v.)	<u>ORDER ADOPTING</u>
)	<u>MAGISTRATE’S REPORT AND</u>
)	<u>RECOMMENDATION</u>
MICHAEL J. ASTRUE,)	
Commissioner of Social Security,)	
)	
Defendants.)	

This matter comes before the Court upon the Report and Recommendation of Magistrate Judge Vernelis K. Armstrong. The Report and Recommendation (ECF # 17), issued on May 6, 2010, is hereby ADOPTED by this Court. Plaintiff sought review of the Commissioner’s decision denying his application for Disability Insurance Benefits under Title II of the Social Security Act, and Defendant moved to dismiss the Complaint as untimely, or in the alternative for summary judgment. The Magistrate recommended that the Defendant’s Motion to Dismiss be denied, and set a briefing schedule to address Plaintiff’s Complaint. Defendant has notified the Court that no objections will be filed. (ECF #18).

The Court has reviewed *de novo* the Report and Recommendation, *see Ohio Citizen Action v. City of Seven Hills*, 35 F. Supp. 2d 575, 577 (N.D. Ohio 1999), and ADOPTS the Report and

Recommendation in its entirety.

IT IS SO ORDERED.

/s/ Donald C. Nugent
DONALD C. NUGENT
United States District Judge

DATED: June 29, 2010